

REMARKS

The Office Action of June 20, 2007 referred to the requirement for election of species, should either of Groups I or II be elected in response to the prior restriction requirement.

In response, Applicants reiterate the election, with traverse, of restriction Group I (claims 526-554, and 577-585) drawn to reporter signal peptides having about 10 to about 35 amino acids, including an Asp-Pro sequence.

In support of their traversal of the restriction requirement, Applicants respectfully note that, for a restriction requirement to be proper, it must establish that both:

- (A) The inventions are independent or distinct; and
- (B) There must be a serious burden on the examiner if restriction is required (see MPEP §803).

Applicants respectfully assert that the restriction requirement presented has not established both of these criteria.

In particular, Applicants respectfully assert that there would be no undue burden on the Examiner to search both the claims of elected group I (claims 526-554, and 577-585) and the claims of restricted group II (claims 555-576), because all of the claims of nonelected group II involve methods of using the signal peptide probes of elected restriction group I. Accordingly, there can be no additional burden in searching restricted group II when the claims to elected group I are searched. Applicants therefore respectfully traverse the Restriction Requirement and have provided a distinct and specific basis for this traversal.

Furthermore, Applicants respectfully preserve the right to rejoinder of nonelected claims 555-576 upon a finding of patentability of linking claims 526 and 546, from which they depend (see MPEP §§ 821.04(a) and 818.03(d)).

The Office Action of June 20, 2007 referred to the requirement for election of species, including a single SEQ ID NO. with specified chemically reactive groups, amino acid modifications and/or isotopes. In response, Applicants elect, with traverse, SEQ ID NO: 1 with four heavy glycine, and with the chemically reactive group being a thiol. Of the claims in elected Group I, claims 526-528, 530-531, 536, 538, 543-551, 554, and 577-585 read on the elected species.

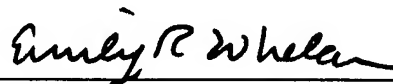
Applicants traverse the species election requirement because it would not pose an undue burden to search the full scope of the elected claims. The claimed peptides are only about 10 to about 35 amino acids in length, and are described with sufficient detail in the generic claims to allow for a targeted search. Moreover, once a specific SEQ ID NO. has been elected, it certainly would not require any significant additional burden to search for this single sequence with different chemically reactive groups, amino acid modifications or isotopes. In particular, it is believed that searching the elected SEQ ID NO:1 with any chemically reactive group, amino acid modification, or isotope would not pose an undue burden, and Applicants respectfully request that the species election requirement be reconsidered at least to this extent.

Applicants also note that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species that depend from or otherwise include all limitations of an allowable generic claim. 37 C.F.R. § 1.141.

Further and favorable consideration of the elected claims on the merits is respectfully requested.

No fees are believed to be due in connection with this correspondence. However, please charge any payments due or credit any overpayments to our Deposit Account No. 08-0219.

Respectfully submitted,



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